IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Crl.MC.No. 2435 of 2007()

CRIME NO.34/06 OF VANCHIYOOR POLICE STATION

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PETITIONER: ACCUSED NO.3:

JOY JOSEPH, S/O. JOSEPH,
BLOOSOM COTTAGE, VETTINAD PATHINARAMKALLIL,
VETTINAD DESOM,VATTAPARA VILLAGE,NEDUMANGADU TALUK

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.SHAJIN S.HAMEED
SRI.PRABHU VIJAYAKUMAR
SMT.LAKSHMI.N.KAIMAL

RESPONDENTS: RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/07/2007 ALONG WITH CRMC NO.2439/07 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NOs. 2435 & 2439 OF 2007

Dated this the 30th day of July, 2007

ORDER

The common petitioner in these two petitions is the 3rd accused in Crime No.34/06 of the Vanchiyoor Police Station as also Crime No.139/06 of the Pettah Police Station. He remains in custody from 23/4/07. He has been ordered to be released on bail subject to conditions as per the order dated 22/5/07. But the petitioner continues to remain in custody because of his inability to comply with one of the conditions imposed by the learned Magistrate that sureties shall produce solvency certificates or the original title deeds of the property. I find nothing improper or incorrect in the said direction. Rigid insistence on any particular mode of satisfaction need not be made by the learned Magistrate. To this extent, I am satisfied that the condition can be modified. It is, of course, open to the learned Magistrate to insist on appropriate material to

satisfy himself about the solvency and adequacy of the sureties.

2. These petitions are accordingly allowed. It is made clear that the learned Magistrate need not rigidly insist on production of solvency certificates or title deeds by the sureties of the petitioner. The sureties may instil the requisite satisfaction in the mind of the learned Magistrate by producing any material to show that they are sufficient and solvent.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge